

**REMARKS**

Claims 1, 2, 5 and 6 are pending in the present application. No amendment to the claims has been proposed. It is respectfully submitted that this Response is fully responsive to the Office Action dated January 26, 2006.

**As to the Merits:**

As to the merits of this case, the Examiner maintains the following rejection:

Claims 1, 2, 4 and 5 stand rejected under 35 USC 102(e) as being anticipated Endo et al. (U.S. Patent No. 6,763,182). This rejection is respectfully traversed.

In response to Applicant's argument that Endo fails to disclose or fairly suggest the features of claim 1 concerning *said writer includes a detector to detect a maximum file number from among the file numbers which are assigned to the image files stored in the record destination folder, and an assigner to assign a file number continuous from the maximum file number detected by said detector to the new image file*, the Examiner takes the following position on page 2 of the Action:

[t]he camera of Endo gives a camera user the ability to capture MPG video, however, the camera user can only take JPG still images if desired. Therefore, if the last captured object by the camera was a JPG still image and assigned a number "008" the next subsequent action taken by the camera (if a still capture) will record the still image into

the still image folder and assign the number "009" to the image Endo et al Column 5, lines 23-39.

However, it is respectfully submitted that the Examiner has failed to appreciate that the writer of Endo does not include *a detector to detect a maximum file number from among the file numbers which are assigned to the image files stored in the record destination folder*, as called for in claim 1.

That is, according to col. 5, lines 26-39 of Endo:

Specifically, the control micro-computer 7 refers to the number portion of the last file of the file list stored in the DRAM 8 to generate the filename so that these number portion will be the next number. ... That is, the filenames are generated so that the number portions thereof represent the serial number indicating the recording order, **without dependency on whether the file in question is a still image or a moving picture.** (Emphasis added).

In other words, in view of the above, it is clear that Endo assigns a number portion of the filename without any concern to detecting a maximum file number of either the still image or the moving picture directory, since instead the file numbers are merely assigned successive in a recording order without regard to a category of the file.

Moreover, in the present claimed invention, the assigner always assigns a file number continuous from the maximum file number detected by the detector to the new image file.

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As discussed above, and as acknowledged by the Examiner on page 2 of the Action, Endo clearly does not always assigns a file number continuous from the maximum file number detected by the detector to the new image file, as also called for in claim 1.

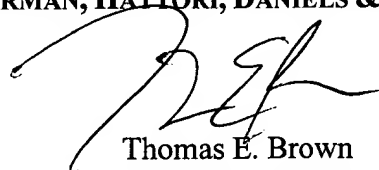
As such, it is respectfully submitted that Endo fails to disclose or fairly suggest the features of claim 1 concerning *said writer includes a detector to detect a maximum file number from among the file numbers which are assigned to the image files stored in the record destination folder, and an assigner to assign a file number continuous from the maximum file number detected by said detector to the new image file.*

In view of the aforementioned remarks, Applicant submits that that the claims are in condition for allowance. Applicant requests such action at an early date.

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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'TEB', is written over the firm name.

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